

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

IN RE: UNIVERSAL SERVICE FUND )  
TELEPHONE BILLING PRACTICES )  
LITIGATION )  
 )  
This Order Relates to All Cases )  
\_\_\_\_\_ )

Case No. 02-MD-1468-JWL

**ORDER**

This matter comes before the court on the motion by counsel for the plaintiff class for attorney fees and expenses pursuant to Fed. R. Civ. P. 23(h) (Doc. # 1098). The parties now request that the court defer proceedings on that motion, including notice to the class members, until resolution of the parties' appeals. The court agrees that it is appropriate in this case to defer proceedings on the motion, and the court grants the parties' request. The parties shall notify the court within 14 days after final resolution of all appeals, and a schedule will then be set for proceedings on the motion.

This matter is also before the court on defendant AT&T's unopposed motion to stay execution of the judgment against it pending resolution of its appeal, pursuant to Fed. R. Civ. P. 62(d), and for waiver of the supersedeas bond (Doc. # 1111). The court is persuaded that AT&T can readily satisfy the judgment if it is affirmed; accordingly, the court grants the motion in its discretion. *See Dutton v. Johnson County Bd. of County Comm'rs*, 884 F. Supp. 431, 435 (D. Kan. 1995). Execution of the judgment against AT&T in this case is hereby stayed pending resolution of its appeal, and the requirement for posting of a supersedeas bond is waived.

IT IS SO ORDERED.

Dated this 1st day of April, 2009, in Kansas City, Kansas.

s/ John W. Lungstrum  
John W. Lungstrum  
United States District Judge